



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,539	06/12/1998	RICHARD C. MACHIN	13768.73	8493

22913 7590 09/03/2002

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

FOURSON, GARY SCOTT

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/094,539

Applicant(s)

MACHIN ET AL.

Examiner

Gary S. Fourson

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

1. This non-final rejection is responsive to Amendment B (paper no. 11), mailed 21 May 2002.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁶ of this title before the invention thereof by the applicant for patent.

3. **Claims 1-4 and 7-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindley (*Image Acquisition using TWAIN*).**

With respect to claims 7-9, Lindley teaches a first interface ["Select Source" operation], which represents connection control characteristics [The single entry point *DSM_Entry* provides an interface for an application to control the acquisition process by simply requesting connection to a specific source, not caring how the connection is made.] of a device [image acquisition devices such as "scanners, digitizer boards, digital cameras, and the like"] to an application [graphics-supporting software application], associated with an integrating component [TWAIN Source Manager], which is positioned between the application and a device driver [The Source], which, in turn, is associated with said device as well as a second interface ["Acquire" or "Set Resolution"], which represents data and data control characteristics [acquiring image data from a device; negotiating and setting resolution] of the device to the application. In working operation, (user initiated) the various TWAIN compliant devices are connected ["Select Source"] and employed for image acquisition ["Acquire"] through calls [commands received] from the application to the integrating component [Source Manager], which in turn translates the generic application interfaces to the interface requirements of the selected device for execution.

With respect to claims 1-4 and 10-13, Lindley teaches generalized functional control over image acquisition devices for TWAIN compliant applications. Separating ["Select Source" and "Acquire" separate connection and data control characteristics for application-device

Art Unit: 2151

communication] connection control characteristics [The single entry point *DSM_Entry* provides an interface for an application to control the acquisition process by simply requesting connection to a specific source, "Select Source," not caring how the connection is made.] from data and data control characteristics [acquiring image data from a device; negotiating and setting resolution] received [devices may be polled for resolution capabilities] from a device [image acquisition devices such as "scanners, digitizer boards, digital cameras, and the like"], a first interface ["Select Source" operation], which represents connection control characteristics [The single entry point *DSM_Entry* provides an interface for an application to control the acquisition process by simply requesting connection to a specific source, not caring how the connection is made.] of a device [image acquisition devices such as "scanners, digitizer boards, digital cameras, and the like"] to an application [graphics-supporting software application], associated with an integrating component [TWAIN Source Manager], which is positioned between the application and a device driver [The Source], which, in turn, is associated with said device, a second interface ["Acquire" or "Set Resolution"], which represents data and data control characteristics [acquiring image data from a device; negotiating and setting resolution] of the device to the application. In working operation, (user initiated) the various TWAIN compliant devices are connected ["Select Source"] and employed for image acquisition ["Acquire"] through calls [commands received] from the application to the integrating component [Source Manager], which in turn translates the generic application interfaces to the interface requirements of the selected device for execution, so the application may use ["Once a user selects a Source, it is used for all subsequent image acquisitions..." page 76, third column, last paragraph] the device with the known interfaces without requiring the application programmer to program [The single entry point *DSM_Entry* provides an interface for an application to control the acquisition process by simply requesting connection to a specific source, not caring how the connection is made.] to an interface ["DLL under Windows"] of the device driver [Source].

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2151

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindley (*Image Acquisition using TWAIN*).

With respect to claims 5 and 6, Lindley for the rejection of claims 1-4 and 10-13 teaches the limitations substantially as claimed except is silent on the use of well known proxy mechanisms and a local handle or identifier to the proxy object to be utilized for invocation of remote software functionality represented by the proxy object.

Proxies have been routinely utilized to locally represent a remote function or collection of functions such as those utilized in CORBA middleware. It would have been obvious to cause redirection of data and data control information, because utilization of middle-ware such as the prior art proxy representation naturally leads to redirection of data through the proxy interface.

Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Mosberger (The SANE Scanner Interface) approaches the problem of application to device-driver communication by suggesting a general, well-defined API so that applications may be written independently of the devices that it will eventually control.

Response to Amendment

6. Section 112: In light of Applicant's arguments of record, the *35 USC § 112* rejections set forth in the previous office action are withdrawn.

Conclusion

Any inquiry concerning this communication should be directed to **Gary Fourson** at **(703) 305-4392**.

Art Unit: 2151

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to (gary.fourson@uspto.gov).


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

The fax numbers for Official (703-746-7239), to be intended for entry into the application, Non-Official/Draft (703-746-7240), or After-final (703-746-7238) communications may be utilized for expedited transactions.

gsf

22-Aug-02



ALVIN OBERLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100